

AMENDED IN ASSEMBLY APRIL 12, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 938

Introduced by Assembly Member Umberg

February 18, 2005

An act to add Section 84204.5 to the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 938, as amended, Umberg. Campaign expenditure disclosures.

Existing provisions of the Political Reform Act of 1974 require committees receiving or making contributions or expenditures above specified threshold amounts; to report those contributions and expenditures, as well as other specified information, at times and places specified in the act. The act requires certain of these committees, by virtue of receiving or making contributions or expenditures above generally higher threshold amounts, to file the reports required by the act online or electronically. Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would require committees that are required under existing law to file online or electronically to also file a report online or electronically disclosing *contributions or expenditures* totaling \$10,000 or more to support or oppose the qualification or passage of a ballot measure, and disclosing other specified information, within 10 business days of making the expenditure. The bill would ~~require that this report also be filed in the places where the committee would be required to file campaign statements if it were formed or existing primarily to support or oppose the measure for or against which it is making the expenditure~~ *specify that reports required by this provision*

are not required to be filed by a committee primarily formed to support or oppose the qualification or passage of a state ballot measure for expenditures made on behalf of the ballot measure or measures for which it is formed.

By requiring county and city clerks to receive some of these additional reports, and by adding to the duties of certain committees under the act, thereby expanding the application of the criminal sanctions in the act, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a $\frac{2}{3}$ vote.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84204.5 is added to the Government
2 Code, to read:
3 84204.5. (a) In addition to any other report required by this
4 title, a committee that is required to file reports pursuant to
5 Section 84605 shall file online or electronically with the
6 ~~Secretary of State a report disclosing expenditures totaling ten~~
7 ~~thousand dollars (\$10,000) or more to support or oppose the~~
8 ~~Secretary of State each time contributions totaling ten thousand~~
9 ~~dollars (\$10,000) or more or independent expenditures totaling~~
10 ~~ten thousand dollars (\$10,000) or more are made to support or~~

oppose the qualification or passage of a ballot measure, single state ballot measure. The report shall be filed within 10 business days of making the expenditure, containing contributions or independent expenditures and shall contain all of the following:

(1) The full name and ~~street address~~, street address, and identification number of the committee.

(2) The number or letter of the measure if the measure has qualified for the ballot and has been assigned a number or letter; the title of the measure if the measure has not been assigned a number or letter but has been issued a title by the Attorney General; or the subject of the measure if the measure has not been assigned a number or letter and has not been issued a title by the Attorney General.

~~(3) The amount and the date, as well as a description of goods or services for which the expenditure was made.~~

(3) In the case of a contribution, the date and amount of the contribution and the name, address, and identification number of the committee to whom the contribution was made.

(4) ~~The~~ In the case of an independent expenditure, the date, amount, and a description of the goods or services for which the expenditure was made. In addition the report shall include the information required by paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211, covering the period from the day after the closing date of the last campaign report filed to the date of the expenditure, or if the committee has not previously filed a campaign statement, covering the period from the previous January 1 to the date of the expenditure. No information required by paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211, that is required to be reported with an expenditure report by this subdivision, is required to be reported on more than one expenditure report.

~~(b) A committee that is required to file a report pursuant to this section shall file the report in the places where it would be required to file campaign statements under this article as if it were formed or existing primarily to support or oppose the measure for or against which it is making the expenditure. Any expenditure disclosed pursuant to subdivision (a) of this section shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.~~

1 ***(b) Reports required by this section are not required to be***
2 ***filed by a committee primarily formed to support or oppose the***
3 ***qualification or passage of a state ballot measure for***
4 ***expenditures made on behalf of the ballot measure or measures***
5 ***for which it is formed.***

6 SEC. 2. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution for
8 certain costs that may be incurred by a local agency or school
9 district because, in that regard, this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the
11 penalty for a crime or infraction, within the meaning of Section
12 17556 of the Government Code, or changes the definition of a
13 crime within the meaning of Section 6 of Article XIII B of the
14 California Constitution.

15 However, if the Commission on State Mandates determines
16 that this act contains other costs mandated by the state,
17 reimbursement to local agencies and school districts for those
18 costs shall be made pursuant to Part 7 (commencing with Section
19 17500) of Division 4 of Title 2 of the Government Code.

20 SEC. 3. The Legislature finds and declares that the provisions
21 of this act further the purposes of the Political Reform Act of
22 1974 within the meaning of subdivision (a) of Section 81012 of
23 the Government Code.